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ATTORNEYS FOR DEFENDANTS

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JOHN CRONAN, an individual,
Plaintiff,

vs.

WESTERN EQUIPMENT DISTRIBUTORS,
INC., a foreign business corporation, JOE
GUERRA, an individual,
Defendants.

Case No.: _____

**DEFENDANTS'
NOTICE OF REMOVAL
(DIVERSITY JURISDICTION)**

**[Multnomah County Circuit Court
Case No. 16CV18735]**

TO THE CLERK OF THE U.S. DISTRICT COURT, PLAINTIFF, and PLAINTIFF'S ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that Defendant Western Equipment Distributors, Inc. ("Western Equipment"), a Minnesota corporation, and Joe Guerra ("Guerra"), an individual (collectively, "Defendants"), hereby remove this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon and in support respectfully states as follows:

1. Defendants are parties in a civil action brought against them in the Circuit Court of the State of Oregon for the County of Multnomah entitled: *John Cronan v. Western Equipment Distributors, Inc. and Joe Guerra*. Copies of the Summons and Complaint and Defendants' signed Acceptance of Service in that action are attached to this Notice of Removal ("Notice") as Exhibit A and constitute all process, pleadings, and orders that have been served on Defendants in that action up to the present date.

2. The state court action was commenced when a Complaint was filed with the Multnomah County Circuit Court on or about June 14, 2016. On August 2, 2016, Defendants accepted service of the Summons and Complaint by and through their attorney of record herein, Scott Osborne. Defendants have filed no pleadings in response to the Complaint. This notice of removal is filed within thirty (30) days after service of process.

3. Upon information and belief, Plaintiff is a person residing in the State of Oregon. *See* Complaint, ¶ 1. Accordingly, Plaintiff is a citizen of Oregon. As of June 14, 2016, and continuing to the present, Defendant Guerra is a person residing in the State of California. Declaration of Joe Guerra ("Decl. Guerra"), ¶ 2. Accordingly, Defendant Guerra is a citizen of California. As of June 14, 2016, and continuing to the present, Defendant Western Equipment Distributors, Inc. is a Minnesota corporation with its headquarters and principal place of business

in Kent, Washington. Decl. Guerra, ¶ 3. Accordingly, Western Equipment is a citizen of Minnesota and Washington pursuant to 28 U.S.C. § 1332(c)(1).

4. Plaintiff is seeking more than \$500,000 in his Complaint. *See* Complaint, ¶¶ 20, 21, 22 and the *prayer*.

5. This is an action of civil nature over which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a), in that it is a suit for damages between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000. The state court action is therefore removable pursuant to 28 U.S.C. § 1441.

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this petition and notice of removal has been given to Plaintiff, and a true and correct copy of this petition has been filed with the Circuit Court for Multnomah County, Oregon.

7. This Court is the appropriate venue for removal because it is the federal district court for the district and division where the above-described Multnomah County Circuit Court case is pending. *See* 28 U.S.C. § 1441(a).

8. This Notice is signed pursuant to Federal Rule of Civil Procedure 11.

WHEREFORE, Defendants pray for removal of the action pending in the Circuit Court of the State of Oregon for Multnomah County, bearing case No.16CV18735, to this court, pursuant to 28 U.S.C. § 1441.

Date: August 31, 2016

JACKSON LEWIS P.C.

By: s/ Christine A. Slattery
Scott O. Osborne, OSB No. 062333
Christine A. Slattery, OSB No. 132295

Attorneys for Defendants

DECLARATION OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' NOTICE OF REMOVAL** by the following method:

- ☐ Electronic Mail
- ☒ CM/ECF
- ☒ US Postal Service
- ☐ Facsimile Service
- ☐ Arranging for Hand Delivery
- ☐

On the following attorneys for Plaintiff:

Martin C. Dolan, OSB No. 872053
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DATED this 31st day of August, 2016.

By: s/ Delores Petrich
Delores Petrich

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